

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AMERICAN CALCAR, INC.,

Plaintiff,

v.

AMERICAN HONDA MOTOR CO., INC.; and
HONDA OF AMERICA MFG., INC.,

Defendants.

Civil No. 06cv2433-DMS (CAB)

**ORDER FOLLOWING 11-14-07
DISCOVERY CONFERENCE**

On November 14, 2007, the Court held a telephonic conference on plaintiff's motion for an order compelling defendant to supplement its privilege log. Paul Ragusa, Esq., Robert Maier, Esq., and Edward Tempesta, Esq., appeared for plaintiff. Michael Rosen, Esq., and Ahmed Davis, Esq., appeared for defendant. Having considered the submissions of the parties and the arguments of counsel, plaintiff's motion is GRANTED in Part.

Defendant produced a privilege log in response to certain document requests. Plaintiff challenges the sufficiency of the log, particularly entries that identify only "Honda Legal Department" as the author, and the completeness of the descriptions of the certain withheld documents. Defendant contends that the log provides all the descriptive information available and is adequate to support withholding of the documents based on attorney-client privilege or attorney work product.

////

////

////

1 Although the log suggests the withheld documents were created by counsel, the information
2 provided is not sufficient to determine whether the documents were confidential communications of
3 legal advice or attorney work product in anticipation of litigation. Defendant is HEREBY ORDERED to
4 provide a declaration supplementing its log, describing any additional information about the withheld
5 documents, where they were located, how they were maintained, whether they were shared with Honda
6 personnel and for what purpose. Additionally, defendant will separately identify any withheld
7 documents that refer to plaintiff's patents. The declaration and supplemental identification will be
8 provided no later than November 30, 2007.

9 After receipt of the defendant's additional information, if plaintiff seeks to challenge the claim of
10 privilege, plaintiff should provide the Court with the a list of the challenged documents no later than
11 December 7, 2007.

12 Further, during the hearing of plaintiff's motion, defendant raised a similar issue with regard to
13 plaintiff's privilege log. Although plaintiff contended the matter was not properly before the Court,
14 plaintiff volunteered to provide certain additional information to defendant regarding its log. Plaintiff is
15 therefore HEREBY ORDERED to identify any withheld documents that relate to the 1996 Acura 3.5RL
16 no later than November 30, 2007.

17 After receipt of the plaintiff's additional information, if defendant seeks to challenge the claim of
18 privilege, defendant should provide the Court with the a list of the challenged documents no later than
19 December 7, 2007.

20 **IT IS SO ORDERED.**

21
22 DATED: November 15, 2007

23
24 
CATHY ANN BENCIVENGO
United States Magistrate Judge